

Lee

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



MARK L. SHURTLEFF
ATTORNEY GENERAL

RAY HINTZE
Chief Deputy - Civil

RYAN MECHAM
Chief of Staff

KIRK TORGENSEN
Chief Deputy - Criminal

July 6, 2001

Ken Chamberlain
Attorney at Law
225 North 100 East
PO Box 100
RICHFIELD UT 84701

Re: Otter Creek Res. Co., et al.,
v.
New Escalante Irr. Co.

Dear Ken:

Thank you for the courtesy copy of the Complaint in the above-referenced matter. I have reviewed it, as have various staff members of the State Engineer's Office.

While it seems you have stated a just cause of action against the defendant, at the present time it is not our inclination to get involved in the matter as a party. The State Engineer's people will of course be available as witnesses if anyone wants to subpoena them, and we will follow the case with interest if you will be kind enough to keep us updated.

In going over the materials and the photographs, I am wondering if you have submitted this to the Forest Service. It seems they have ripped up quite a bit of federal land, and I suspect the Forest Service would not look with favor on what has been done by the defendant. You might also check with the Forest Service to see if they even had a right-of-way for the original "small" ditch.

In any event, we wish you luck with this case. If there is anything you need with regard to data, records, etc., from the State Engineer, please let me know.

Letter to Ken Chamberlain
July 6, 2001
PAGE TWO

Again, thanks for the courtesy copy. Best personal regards.

Very truly yours,



Michael M. Quealy
Assistant Attorney General

cc: Robert L. Morgan, State Engineer
cc: Lee H. Sim, Assistant State Engineer
cc: Kirk Forbush, Richfield Regional Engineer
cc: Kerry E. Carpenter, Cedar City Regional Engineer

MMQ/jr